Draft

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July 28, 1997

Mr. Lester S. Snow
Executive Director
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1416 Ninth Street, Suite 1155
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Subject: Review of Draft Section (2) CALFED PEIS--Water Supply and Water Management Affected Environment Technical Report

Dear Mr. Snow:

The Service provides the following comments on the draft Section (2) PEIS--Water Supply and Water Management Affected Environment Technical Report that were informally transmitted to Jean Elder of my staff at the July 15, 1997 PCT meeting:

General Comments

(1) Based upon CEQ at 40 CFR 1501.7, NEPA section 102 (2)(c), and 505 FW (in part) that directs agency attention toward achieving one of the stated goals of NEPA, that any agency in reaching its decision will carefully consider detailed information concerning every significant environmental impact (Robertson vs. Methow Valley Citizen Council, 1989), there is a lack of quantification in the PEIS and the lack of consistency between the Impact Analysis and the ERPP in the vegetation types chosen.

(2) The Service recommends that quantification of how much of each habitat types may be lost, altered, or otherwise affected by each alternative be given for purposes of impact analysis. The Delta region, which has the most information available, should be given much more detail and not have habitat losses lumped into categories of "Agricultural" and "Non-agricultural" in the Vegetation and Wildlife document, which then only corresponds with one of the

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habitat types listed on Pages 6 or 18. The Services does not agree that working at a programmatic level precludes quantitative analysis. We recommend (1) using a quantitative/objective approach to the greatest extent possible and (2) including as much available data and as much detail as possible.

For example, the Valley foothill hardwood vegetation communities in the 1945 data on Page 6 indicates a combined total of 2,970,000 acres for the East and West banks of the Sacramento River. The 1978 data on Table IV-2, Page 18, states 2,055,000 acres for the Sacramento River; or a loss of 915,000 acres over 33 years. Based upon a 915,000 loss over 33 years, an additional 20-year span to 1998 would result in another 549,000 acres of lost Valley foothill hardwood vegetation. Is this habitat loss of 27,450 acres per year reflected in the Urban/Ag figures: 1945-- 2,960,000 to 1978-- 3,293,000? Through use of CA Gap analysis GIS info that was gathered in 1990/91 as referenced on Page 3-4 of the Veg/Wildlife could potentially omit 5 years of data on habitat losses.

We recommend that GAP analysis be used to quantify the blank acreages of habitat types throughout the alternatives analysis. The most accurate figures need to be compared with CALFED implementation alternatives if we are to assess impacts on acres of veg communities remaining. Many of these vegetation communities are in "Rare Find" -indicating they are a natural resource and habitat for special status species. We recommend that there be "red-flagging" of potential jeopardy communities.

(3) In order to adequately meet the requirements of NEPA, the technical appendix or some related CALFED document needs to include quantitative information on how the proposed actions and all feasible and prudent alternatives would affect the presence, range, distribution, and abundance of federally listed, proposed, and candidate species and any designated critical habitats that occur within all the proposed and alternative project areas.

(4) Discuss how the proposed actions and associated alternatives demonstrate the reductions in take through killing, harassment, harm, pursuit, hunting, shooting, wounding, trapping, capture or collection of listed threatened and endangered species. Harass is defined by the Service as an intentional or negligent act or omission which creates the likelihood of injury to a listed species by annoying it to such an extent as to significant disrupt normal behavioral patterns which include, but are not limited to, breeding, feeding, or sheltering. Harm is defined to include significant habitat modification or degradation that results in death or injury to listed species by impairing behavioral patterns including breeding, feeding, or sheltering.

(5) Discuss meeting basic NEPA requirements through effects on terrestrial resources in the Delta with and without the array of proposed projects and each of the alternatives. Such discussion needs to include all those effects necessary to provide some basis for an in-depth significant issue analysis.

(6) A requirement of NEPA is stating under conditions of absent data, what will be reasonable and foreseeable costs incurred in obtaining needed information. Current information is lacking in this technical appendix and the information may be not available or forthcoming. The only exemption that NEPA provides for ignoring needed data is when the collection of needed data has been proven to be exorbitantly expensive to gather. Either omitted data should be provided, or a discussion as to why such information is too expensive to collect.

(7) We recommend that a much better discussion be developed to address the many reasonable and foreseeable impacts, and levels of impacts to special status plants and animals and associated terrestrial and aquatic plant communities. This discussion should start with a very clear description of the species baseline information, effects of the proposed actions and their alternatives, and the impacts and their respective degrees.

(8) Revise to more accurately reflect on-going work in other areas of the CALFED process, such as the terrestrial and aquatic plant community group identifications being currently developed. Without such revisions, little meaningful discussion or comparisons or cross comparisons of resource data and any associated impacts, either beneficial or adverse, can be done.

(9) Thresholds should be quantitative and not qualitative.

(10) This report states that the ERPP will mitigate for site specific impacts. This contradicts what CALFED staff has stated in the past. This needs to be clarified as to whether the ERPP is mitigation for site specific proposals or whether the restoration proposals stand alone regardless of any site specific proposals. Additionally, CALFED has proposed funding for additional mitigation for site specific projects. Clarification is needed as to how any additional mitigation is to be integrated into the rest of the CALFED programs. Discussion of such program integration should be added to this report.

(11) In section 5.1.2, the No Action Alternative is not included in the draft. When the No Action Alternative is included, a comparison of the effects of the ERPP and the three alternative can be done.

(12) In regard to the aquatic section of the PEIS, the description of operations and management of the Trinity River water supply should include a flow study.

(13) The Service agrees that the CVPIA PEIS should be used in the CALFED process and does not disagree with the statement 'it's essentially a reprint of the CVPIA PEIS'.

(14) Habitat classification discussions should be expanded. For example, in the recent conditions section, CWHR has been reorganized and this should be fully explained.

(15) A statement is made in this report that 'this analysis is focused on plant communities (habitat classification) rather than species'. However, predominantly, the benefits and impacts discussion does not focus on communities or the number of acres involved. The Service recommends that the focus of the analysis be on plant communities and that this be displayed in tabular form.

(16) Discussion of impacts and disturbances to habitats and special status species needs more refinement than the current delimiting of revised Holland habitats. For example, many kinds of wetlands exist and can be better described not only in terms of sensitivity to the California flora but also in terms of impacts to habitats that contain special status species and communities.

(17) Restoration of special status California plant communities has rarely been attempted. Several rare California plant species reintroduction have been attempted and one is currently underway. Historically, the reintroduction of have been unequivocally unsuccessful. Most reintroduction have been attempted as a result of mitigation. Therefore, as a first priority, the Service recommends that acquisition and endowment of sufficient funds be secured to own and adequately manage occupied habitat. Applied ecological research is needed and should be encouraged and funded to discover unknown processes and factors that may affect the persistence of rare plant species.

In regard to the aquatics section of the PEIS, restoration of habitats has been attempted for several California endemic fish. Most of the attempts have failed and thus far need to be viewed as experimental. Little funding has been devoted to understanding the nature of these failures. The next draft of this document should emphasize that appropriate ecological monitoring will be conducted with a Service-approved monitoring plan. Such a monitoring plan would set the precision, accuracy, type I and type II error levels and offer needed research and remediation if any reintroduction attempt fails.

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Specific Comments

(1) 1.0 Introduction, paragraph 1, page 1:

Comment: Jeopardizing a listed species is not an acceptable adverse affect despite the "net benefit" of the program.

Comment: The introduction states that "because the specific location for most of the alternative features is not known, a site'specific impact analysis cannot be made." This needs to be immediately followed by a sentence or paragraph providing assurances that site-specific review will be completed at a future date, at implementation of project components, or whatever language is both generic and appropriate.

(2) Page 3.1:

Comment: The assessment criteria needs to clearly state the objectives, assumptions, limitations and methods used for the impact analysis. For example, the dates of limitations of mapping, surveys, and data compiled for analysis. If GAP analysis is used, it should be stated that this data was compiled in 1991 and does not reflect habitat losses over the last 5 years.

Comment: The document states it will discuss special status species separately from the vegetative communities, yet, when it finally names special status species (as opposed to simply providing numbers of species), they are listed according to vegetative community when projecting effects from the various alternatives. The document needs to be consistent. A vegetative community-based impact analysis should include all species that may be found within that community, including special status species.

(3) Page 3-2:

Comment: When evaluating special status species in terms of affected plant communities, it is important to analyze not just the number of species that may be found within the habitat, but also the relative proportion of the species' ranges likely to be impacted. For example, is the impact likely to affect (or decrease habitat over) 25%, 50%, 90%

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of the species range? Will the impacts occur in a large population area, or a relatively small and isolated population area?

(4) Page 4-1: "...establishing and documenting significance criteria at the programmatic stage will provide a basis from which later environmental impact analysis can be drawn."

Comment: A programmatic approach should in no way preclude future decision making processes and recommendations to protect fish and wildlife resources that is possible only when site specific information is available. Language to provide those assurances needs to be included in this paragraph.

(5) Page 4-2:

Comment: We recommend that significant thresholds not be qualitatively determined.

(6) Page 5-1:

Comment: Impact assessments are presented in tandem with ERPP. This implies that the ERPP is mitigation for the alternatives. The CALFED staff has stated that there will be additional mitigation measures for site-specific impacts. The programmatic does not address this "additional mitigation". For purposes of assessing all impacts and beneficial effects, additional mitigation measures consisting of avoidance, minimization, and compensation should be discussed and placed in the equation.

A statement should be made that the ERPP may be phased over the entire 20 year project implementation, similar to the alternatives and that there will be additional site-specific mitigation that may be immediately implemented or may be phased over a period of time.

(7) Page 5-4:

Comment: We recommend that the impacts and benefits be better grouped to allow easier tracking. As an example, from page 5-4, Benefit 1.8 is followed by Impact 1.5.

(8) Page 5-59:

Comment: Do not use the "net effects" evaluation criteria that assumes that the ERPP will offset adverse affects of the CALFED implementation.

Additional tables similar to Tables 5.1-6 and 5.1-7 (Delta region) should be included for the other four CALFED regions. Tables in 5.1-6 and 5.1-7 should be consistent with species affected to Tables IV-6 and IV-7. A plant community-based impact analysis should have cross-referencing between sections, tables, and figures.

Tables 5.1-6 and 5.1-7: Special status species should be considered separately. This is not done in Tables 5.1-6 and 5.1-7, where special status species are listed by general plant community type.

(9) Page 8, paragraph 4:

Comment: More detail should be provided in the discussion of water management and operation under ecosystem management. For example, in the discussion on the variation in unimpaired runoff and the need for substantial water supply storage capability, the natural fluctuations in river flow should be discussed.

(10) Impact 1.1 and Benefit 1.1:

Comment: In regard to the two blanks left for numbers of species affected and benefited, this seems to be a "net benefit" approach. The Service recommends that this approach not be used with threatened and endangered species.

(11) Benefit 1.3:

Comment: Discuss more completely how reduced rate of loss is beneficial and what are the "limits" and when does the "loss" stop. A reduced rate of loss is still a loss and so it is difficult to consider it beneficial in the long-term.

(12) Benefit 1.7:

Comment: There may be an impact when creation of wetlands is in close proximity to agricultural lands. There is the potential for contamination due to nearby agricultural practice. Additionally, birds attracted to wetlands sometimes feed on adjacent/nearby crops.

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(13) Figures 1&2--Illustration of the allocation process:

Comment: We recommend that when the concept of "unused, excess or surplus" water is discussed, that sufficiency of instream base flows are also discussed.

(14) Page 43, Table IV-6, Page 42 and Table IV-7,:

Comment: The Service recommends that this information be cross-reference to the special status species section with a list of the species found in each community, accompanied by additional information. If these numbers are meant to be cross-referenced to Table 5.1-6 of the Vegetation and Wildlife document, it would be useful to have a total of all the habitat columns in Table 5.1-6, similar to Table 5.1-7.

(15) Page 48:

Comment: The text states that diamond-petaled California poppy (*Eschscholzia rhombipetala*) is extinct. The Service is aware of one extant population of diamond-petaled California poppy on the large open areas at the Lawrence Livermore Lab.

(16) Page 57:

Comment: Table IV-6 "lists 175 special-status plants that occur in the Sacramento River Region". The Service recommends that the table show numbers and a list which translates the number of species into the names of these species, possibly as a footnote.

The text refers to Table IV-6 as listing 175 special status plants that occur in the Sacramento River Region. Table IV-6, page 42, only lists 65 species of special status plants as occurring within the Sacramento River Region. The Service recommends that this be reconciled and that common and scientific names of plant species be used in the text and listed in tables to substantiate the numbers occurring in each region.

(17) Page 59:

Comment: The text states that there are 119 special status plants that occur within the San Joaquin River Region. It is unclear if any of the 119 are the same as the 175 mentioned for the Sacramento River Region. Clearly delineate which individual plant

and animal species populations, ranges, and distributions occur in which habitat types and within the described regions. A clearer, more comprehensive, more integral discussion of habitat and affected species throughout the CALFED documents is recommended to achieve a better description of the direct and net effects to individual species, plant communities and habitats.

If you have any questions or concerns about the above, contact Robert Pine at (916) 979-2725 or Jean Elder at (916) 979-2130.

Sincerely,

Wayne S. White
Field Supervisor

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